



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CRH:ICR/AFM/KCB
F. #2018R01047

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 16, 2020

By Email and ECF

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Re: United States v. Jack Cabasso, et al.
Criminal Docket No. 19-CR-582 (DRH)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and subject to the terms of the Protective Order entered by the Court on May 29, 2020, the government hereby furnishes discovery with respect to the above-referenced matter. This disclosure supplements the government's earlier disclosures. The government renews its request for reciprocal discovery from the defendants.

The government is providing the discovery described below to the defendants via the USAfx encrypted electronic file transfer system:

Description	Bates Number
Documents reflecting the execution of a search warrant on or about November 7, 2019, at the residence of defendants Jack Cabasso and Frances Cabasso, and listing evidence seized	AVENTURA_0000080524- AVENTURA_0000080539
Photographs taken during the execution of a search warrant on or about November 7, 2019, at the residence of defendants Jack Cabasso and Frances Cabasso	AVENTURA_0000080540- AVENTURA_0000080666

Description	Bates Number
Documents reflecting the execution of a search warrant on or about November 7, 2019, at the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York, and listing evidence seized	AVENTURA_0000080667- AVENTURA_0000080697
Photographs taken during the execution of a search warrant on or about November 7, 2019, at the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York	AVENTURA_0000080698- AVENTURA_0000081308
A spreadsheet listing certain evidence seized pursuant to search warrants from the residence of defendants Jack Cabasso and Frances Cabasso and from the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York	AVENTURA_0000081309

The spreadsheet provided under Bates number AVENTURA_0000081309 is a consolidated list of certain evidence seized pursuant to search warrants from the residence of defendants Jack Cabasso and Frances Cabasso, and from the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York.¹ To assist counsel in determining whether to request copies or an opportunity to inspect specific evidence listed in the spreadsheet, the government provides below a shorthand guide to the information conveyed in the spreadsheet's columns. This information is intended to aid counsel in our ongoing discussions regarding discovery, and is subject to revision:

- The column labeled “Item #” includes a unique identifier beginning with the prefix “1B” for each item of evidence seized.
- The column labeled “Type” indicates whether the evidence is “Digital” evidence, such as electronic storage media, “Valuable” property, or “General” evidence, such as paper and other records.
- The column labeled “Seizing Address” indicates whether the item was seized from the residence of defendants Jack Cabasso and Frances Cabasso, or from the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York.
- The column labeled “Seizing Location” indicates the approximate location within the searched premises where the item was found by

¹ In addition to the evidence listed in the spreadsheet, the government also seized product inventory from the premises of defendant Aventura Technologies, Inc. at 48 Mall Drive, Commack, New York, and will provide a list of the seized product inventory in a subsequent discovery production.

reference to the letter assigned by law enforcement personnel conducting the search to the room, office or area within the searched premises. For example, “Room Z” at 48 Mall Drive, refers to the area identified on the annotated schematic of 48 Mall Drive provided under Bates number AVENTURA_0000080667 labeled “Area Z,” which is further reflected in the evidence collected log, photograph log and photographs provided under Bates range AVENTURA_0000080668 - AVENTURA_0000081308.

- The column labeled “Description” contains a brief description of the seized item.

Please do not hesitate to contact us for further clarification.

As the government has explained in discussions with a number of the defendants, and to the Court most recently at the status conference on September 21, 2020, the government has been working diligently to review the voluminous evidence seized pursuant to the search warrants it previously produced to the defendants on June 23, 2020 under Bates numbers AVENTURA_0000080243-AVENTURA_0000080287, including numerous email accounts, electronic storage media and electronic devices. Pursuant to its disclosure obligations under Rule 16 and Brady v. Maryland, 373 U.S. 83 (1963), and as it has indicated in prior discovery letters, the government will continue to produce relevant materials to the defendants on a rolling basis as it conducts this review.

At the most recent status conference on September 21, 2020, however, certain defendants indicated that they believe that they are entitled to copies of certain materials seized by the government, without regard to their relevance to this case. Federal Rule of Criminal Procedure 16(a)(1)(E)(iii), provides, in relevant part, that

Upon a defendant’s request, the government must permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government’s possession, custody, or control and . . . the item was obtained from or belongs to the defendant.

Accordingly, should any of the defendants wish to request discovery from the government under this provision, please use the enclosed materials and the search warrants previously produced to the defendants under Bates numbers AVENTURA_0000080243-AVENTURA_0000080287, to identify to the government the items within the government’s possession, custody or control that were “obtained from or belong[] to the defendant” and that the defendant wishes to “inspect, copy or photograph.”

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Very truly yours,

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Enclosure (AVVENTURA_0000080524-AVENTURA_0000081309)

cc: Clerk of the Court (DRH) (by ECF) (without enclosures)